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JEFFERSON'S MANUAL

JEFFERSON'S MANUAL OF PARLIAMENTARY PRACTICE¹

SEC. I—IMPORTANCE OF ADHERING TO RULES

Mr. Onslow, the ablest among the Speakers of the House of Commons, used to say, "It was a maxim he had often heard when he was a young man, from old

§ 283. Rules as related to the privileges of minorities.

¹ Jefferson's Manual was prepared by Thomas Jefferson for his own guidance as President of the Senate in the years of his Vice Presidency, from 1797 to 1801. In 1837 the House, by rule which still exists, provided that the provisions of the Manual should "govern the House in all cases to which they are applicable and in which they are not inconsistent with the standing rules and orders of the House and joint rules of the Senate and House of Representatives." Rule XXVII, § 1104, *infra*. In 1880 the committee which revised the Rules of the House declared in their report that the Manual, "compiled as it was for the use of the Senate exclusively and made up almost wholly of collations of English parliamentary practice and decisions, it was never especially valuable as an authority in the House of Representatives, even in its early history, and for many years past has been rarely quoted in the House" (V, 6757). This statement, although sanctioned by high authority, is extreme, for in certain parts of the Manual are to be found the foundations of some of the most important portions of the House's practice.

The Manual is regarded by English parliamentarians as the best statement of what the law of Parliament was at the time Jefferson wrote it. Jefferson himself says, in the preface of the work:

"I could not doubt the necessity of quoting the sources of my information, among which Mr. Hatsel's most valuable book is preeminent; but as he has only treated some general heads, I have been obliged to recur to other authorities in support of a number of common rules of practice, to which his plan did not descend. Sometimes each authority cited supports the whole passage. Sometimes it rests on all taken together. Sometimes the authority goes only to a part of the text, the residue being in-

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§ 506. Movements of Members during voting.

While the House is telling, no member may speak or move out of his place, for if any mistake be suspected it must be told again. *Mem. in Hakew., 26; 2 Hats., 143.*

This rule applies in the House on a vote by division, where the Speaker counts; but did not apply to the former vote by tellers, where Members passed between tellers at the rear of the center aisle to be counted.

If any difficulty arises in point of order during the division, the Speaker is to decide peremptorily, subject to the future censure of the House if irregular. He sometimes permits old experienced members to assist him with their advice, which they do sitting in their seats, covered, to avoid the appearance of debate; but this can only be with the Speaker's leave, else the division might last several hours. *2 Hats., 143.*

Representatives no longer sit with their hats on (clause 5 of rule XVII) and always rise to speak; respectfully addressing their remarks to "Mr. Speaker" (clause 1 of rule XVII).

The voice of the majority decides; for the *lex majoris partis* is the law of all councils, elections, &c., where not otherwise expressly provided. *Hakew., 93.*

§ 508. Decision by voice of majority; and tie votes.

But if the House be equally divided, semper presuamitur pro negante; that is, the former law is not to be changed but by a majority. *Towns., col. 134.*

The House provides also by rule (clause 1 of rule XX) that in the case of a tie vote the question shall be lost.

The House of Representatives, however, requires a two-thirds vote on a motion to suspend the rules (clause 1 of rule XV), on a motion to dispense with Calendar Wednesday (clause 7 of rule XV), on a motion to dispense with the

§ 509. Two-thirds votes.

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